

App. No. 09/751,185
Response mailed March 3, 2004
Re: Office Action mailed December 3, 2003

REMARKS

In response to the Office Action mailed December 3, 2003, the Applicant respectfully requests that the Examiner enter the above amendments and consider the following remarks. Claims 1-26 are still pending in the application. The Applicant respectfully requests further examination and reconsideration of the application in light of the amendments and accompanying remarks.

Objections to Drawings

The Examiner objected that Figure 4 introduces new matter into the disclosure. In particular, the Examiner asserted that the specification does not disclose the configuration shown in Figure 4. The Examiner further asserted that the specification does not disclose the position of the reinforcement panel with respect to the siding panel. The Applicant respectfully traverses the objection.

The specification sets forth that a reinforcement panel may be secured to, or positioned behind, the inner surface of a siding panel. U.S. Application No. 29/133,077, which is now U.S. Design Patent No. 450,138, provides further support for Figure 4. Figure 4 is substantially similar to Figure 2 of U.S. Application No. 29/133,077 and U.S. Design Patent No. 450,138. Copies of U.S. Design Patent No. 450,138 and the accompanying Declaration are attached for the Examiner's convenience. Per MPEP § 1504.20, a utility application can be continued from and rely on the benefit of the filing date of an earlier filed design application. Since this is a continuing application that incorporates U.S. Application No. 29/133,077 by reference, the Applicant respectfully

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submits that Figure 4 does not introduce new matter. The Applicant has amended Figure 4 to show the reinforcement panel in broken lines as discussed with the Examiner. A replacement sheet of amended Figure 4 is attached. Accordingly, the Applicant respectfully requests the withdrawal of the new matter objection under 35 U.S.C. § 132 and 37 CFR § 1.121(f).

The Applicant also requests the withdrawal of the objection to the drawings under 37 CFR § 1.83(a). The Examiner maintained the objection that the figures did not show every feature of claims 6 and 7. In the response filed September 9, 2003, the Applicant identified each element of claims 6 and 7 in the figures. For the Examiner's convenience, those remarks will be repeated herein. With regard to claim 6, Figure 2 shows a planar portion 22 and a tongue 30 connected to edge 34. Regarding claim 7, Figure 2 shows a planar portion 26 and a groove 32 connected to edge 44. Thus, every element of the claims is shown in the drawings. Under the doctrine of claim differentiation, claim 6 is not required to include all of the elements of claim 7, and claim 7 is not required to include all of the elements of claim 6. Therefore, the Applicant respectfully requests the withdrawal of this objection. If, for some reason, the Examiner continues to assert this objection, the Applicant respectfully requests the Examiner to more specifically state the objection.

Objections to Specification

The Examiner objected that the specification does not provide proper antecedent basis for the claimed subject matter of claims 6 and 7. As explained in the previous

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response, claims 6 and 7 are independent of each other. Accordingly, these claims may be referring to different planar portions of a siding panel. When looking for support in the specification, the Examiner should not use claim 6 to limit the meaning of claim 7, or vice versa. With regard to claim 6, Figure 2 shows a planar portion 22, an edge 34, an edge 36, and tongue 30 that is connected to edge 34. On the other hand, with regard to claim 7, Figure 2 shows a planar portion 26, an edge 42, an edge 44, and a groove 32 connected to edge 44. The paragraphs beginning on lines 6 and 14 of page 4 of the specification describe these embodiments of the invention. Therefore, the Applicant respectfully requests the Examiner to withdraw the objection to the specification.

Rejection of Claims 1 and 4-13 Under 35 U.S.C. § 103(a)

The Examiner rejected claims 1 and 4-13 under 35 U.S.C. § 103(a) as being unpatentable over Grace, Sr. et al. in view of the Sweet Catalog. The Applicant respectfully traverses the rejection.

The Applicant maintains the remarks that have been submitted in previous responses regarding these two references. The Applicant respectfully submits that Grace, Sr. et al. and the Sweet Catalog do not teach or suggest the combination of width and surface variance set forth in the claims. *The Applicant has surprisingly discovered that the slight surface variance as set forth in the claims provides the appearance of straight face vinyl siding while significantly limiting the effect of oil canning. The industry previously resorted to significant curvature of the rows of vinyl*

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siding to combat the problem of oil canning. However, the siding did not have a straight face appearance. Until the present invention, the industry had not discovered that a slight curvature as set forth in the claims significantly reduces oil canning and provides the appearance of straight face vinyl siding. Therefore, the Applicant respectfully submits that Grace, Sr. et al. in view of the Sweet Catalog cannot support the rejection of claims 1 and 4-13 under 35 U.S.C. § 103(a).

Rejection of Claims 2 and 3 Under 35 U.S.C. § 103(a)

The Examiner rejected claims 2 and 3 under 35 U.S.C. § 103(a) as being unpatentable over Grace, Sr. et al. and the Sweet Catalog in view of Manning et al. The Applicant respectfully traverses the rejection. Claims 2 and 3 depend from claim 1, which has been distinguished over the primary references. Manning et al. does not overcome the lack of motivation provided by Grace, Sr. et al. and the Sweet Catalog. In particular, Manning et al. shows a siding panel having a significant amount of curvature. Therefore, the Applicant respectfully requests the withdrawal of the rejection.

Rejection of Claims 1, 4-14, and 17-26 Under 35 U.S.C. § 103(a)

The Examiner rejected claims 1, 4-14, and 17-26 under 35 U.S.C. § 103(a) as being unpatentable over Johnstone et al. in view of the Sweet Catalog. The Applicant respectfully traverses the rejection.

The Applicant maintains that Johnstone et al. fails to teach or suggest the specific surface variances or radius curvatures of the claims of the present invention. Accordingly, the Applicant maintains the remarks that have been previously made

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regarding Johnstone et al. The Applicant respectfully submits that Johnstone et al. and the Sweet Catalog do not teach or suggest the combination of width and surface variance or radius curvature as set forth in the claims. *As explained above, the Applicant has surprisingly discovered that the slight surface variance or radius curvature as set forth in the claims provides the appearance of straight face vinyl siding while significantly limiting the effect of oil canning. The industry previously resorted to significant curvature of the rows of vinyl siding to combat the problem of oil canning. However, the siding did not have a straight face appearance. Until the present invention, the industry had not discovered that a slight curvature as set forth in the claims significantly reduces oil canning and provides the appearance of straight face vinyl siding.* Thus, there is no motivation provided by the combination of Johnstone et al. and the Sweet Catalog to arrive at the present invention. Therefore, the Applicant respectfully submits that Johnstone et al. in view of the Sweet Catalog cannot support the rejection of claims 1, 4-14, and 17-26 under 35 U.S.C. § 103(a).

Rejection of Claims 2, 3, 15, and 16 Under 35 U.S.C. § 103(a)

The Examiner rejected claims 2, 3, 15, and 16 under 35 U.S.C. § 103(a) as being unpatentable over Johnstone et al. and the Sweet Catalog in view of Manning et al. The Applicant respectfully traverses the rejection. Claims 2 and 3 depend from claim 1, and claims 15 and 16 depend from claim 14. The Applicant has distinguished claims 1 and 14 over the primary references. Manning et al. shows a siding panel that has a significant amount of curvature. Consequently, Manning et al. does not

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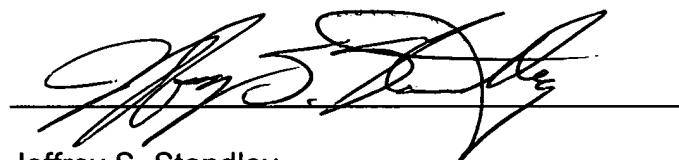
overcome the lack of motivation provided by the primary references. Therefore, the Applicant respectfully requests the withdrawal of the rejection.

Conclusion

The Applicant has distinguished claims 1-26 over the cited references. Therefore, the Applicant respectfully submits that the present application is now in condition for allowance, and such action is earnestly requested.

Respectfully submitted,

Date: 3/3/04



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